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CONSTITUTIONAL\_LAW

## Public University Social Media Policy — First Amendment and Due Process

SHEP PRACTICE BAND (MODELED ON MEE 1-6)

### Band 5

Exceeds expectations

[Near band boundary](#)

SHEP Bar Prep scores your essays on a 1–6 scale modeled on the MEE and gives issue-level feedback. Until licensed NCBE questions and model answers are integrated, scores are calibrated against LLM-generated exemplars, not real MEE grader outcomes.

### Overall feedback

Overall, your performance demonstrates a solid understanding of the legal issues at hand, particularly in recognizing the key constitutional principles involved. You effectively articulated the relevant rules and applied them to the facts of the case, especially in the areas of state action and First Amendment rights. However, there are notable gaps in your analysis of procedural due process, where a clearer articulation of the applicable rules and a more thorough connection to the facts would strengthen your argument. To improve your performance, focus on providing comprehensive analyses that not only identify issues but also explore potential counterarguments and implications in greater depth. This will enhance your ability to present a well-rounded legal argument, which is crucial for success in bar exam scenarios.

### Strengths

## STRENGTH

## State Action Doctrine

You did an excellent job recognizing the issue of state action and articulating the role of the public university as a state actor. Your identification of the relevant rules regarding content-based restrictions on speech was clear and well-supported. However, while your analysis connected the rules to the facts, it could benefit from a deeper exploration of how the policy's vagueness impacts its constitutionality. To strengthen your argument, consider providing specific examples of how similar cases have been adjudicated, which would enhance your analysis.

[p0s12] *"Sarah also has a strong procedural and substantive due process claim"*

[p0s2] *"As a public university, State University is a state actor"*

[p0s2] *"may not impose content-based restrictions on protected student speech unless the restriction is narrowly tailored to serve a compelling interest"*

[unresolved] *"The policy is facially content-based because it allows punishment of speech deemed 'harmful, offensive, or disruptive'" (unverified)*

[p0s7] *"the policy is likely an unconstitutional content-based, vague, and overbroad restriction"*

## STRENGTH

## First Amendment — Content-Based Restriction

Your recognition of the First Amendment issue was strong, and you effectively articulated the implications of the university's policy on student speech. The clarity with which you stated the applicable rules and connected them to the facts was commendable. However, to further enhance your analysis, consider discussing potential counterarguments that the university might raise and how they could be addressed. This would demonstrate a more comprehensive understanding of the issue and strengthen your overall argument.

[p0s1] *"Whether suspending Sarah for her satirical Instagram meme violates the First Amendment."*

[unresolved] *"As a public university, State University is a state actor and may not impose content-based restrictions on protected student speech unless the restriction is narrowly tailored to serve a compelling interest." (unverified)*

[unresolved] *"The policy is facially content-based because it allows punishment of speech deemed 'harmful, offensive, or disruptive.'" (unverified)*

[unresolved] *"The undefined and standardless terms confer unfettered discretion and permit arbitrary punishment of protected speech." (unverified)*

[unresolved] *"The policy is likely an unconstitutional content-based, vague, and overbroad restriction on student speech." (unverified)*

## STRENGTH

## Substantive Due Process

You effectively recognized the substantive due process issue and implied the applicable rules regarding arbitrary punishment and unfettered discretion. Your application of relevant facts was strong, and your analysis connected the rules to the facts well. However, to enhance your argument, consider providing more detailed examples of how arbitrary punishment can manifest in practice and its implications for student rights. This would provide a more robust foundation for your conclusions.

[p0s8] *"Due Process Issue: Whether the suspension without procedures violates procedural or substantive due process."*

[unresolved] *"The undefined and standardless terms confer unfettered discretion and permit arbitrary punishment of protected speech."* (unverified)

[unresolved] *"The policy is facially content-based because it allows punishment of speech deemed 'harmful, offensive, or disruptive.'" (unverified)*

[unresolved] *"The undefined and standardless terms confer unfettered discretion."* (unverified)

[p0s12] *"Sarah also has a strong procedural and substantive due process claim."*

### Response quality

Word count	306
Raw score	0.790
Calibrated score	0.790